IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.4951 of 2007

Dated: April 16, 2007

Between:

Thondavada Munichandra Sekhar.

... Petitioner

And

The State of Andhra Pradesh, represented by its Principal Secretary, School Education Department, Secretariat, Hyderabad and others.

... Respondents

O R D E R:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

2) The petitioner, who is the Sarpanch of Gajula Mandyam Village, Renigunta Mandal, Chittoor District, seeks issuance of a writ of mandamus to declare the action of the respondents in allotting Ac.1.87 cents in Sy.No.748/1 and 2 of Gajulamandyam village as against original allotment of Ac.3.70 cents in Sy.No.750 for the construction of the school building, as illegal and arbitrary.

3) It is the grievance of the petitioner that the respondents have taken the construction of the school building in the scheme of 'Janmabhoomi'. Though, there is initial allotment of land to an extent

of Ac.3.70 cents in S.No.750 of Gajula Mandem village, but however, the respondents have allotted land in S.No.748/1 and 2 only to an extent of Ac.1.87 cents and taking steps to construct the building.

4) It is also the grievance of the petitioner that originally the site, which is sought to be allotted, is more than Ac.3.00 and it is very much suitable site having regard to its location. It is stated that the land in S.No.748/1 and 2 is in the industrial area and it is not suitable place from the point of probable pollution to the children of the school as the same is nearer to the industrial area.

5) Counter-affidavit is filed on behalf of the respondents stating that though there was a proposal sent by the Revenue Authority for allotment of land to the extent of Ac.3.70 cents in S.No.750, but however, it is stated that the original land in S.No.645/1 and 750 along with other survey numbers to a total extent of Ac.477.61 cents was handed over to the A.P.Industrial Infrastructure Corporation on 19.10.1974, on payment of Rs.14,30,28,300/-. It is further stated that though there was a requisition to allot an extent of Ac.3.70 cents in S.No.750 from the Revenue Department as well as the Zilla Parishad, but however, the said land was also allotted to an industry i.e. M/s Lords Security Mint Limited and offered in S.No.748/1 and 2 admeasuring Ac.1.87 cents and in that view of the said offer, the said land was taken possession by the District Collector on 25.10.2006 and on 26.10.2006 the land was handed over to Zilla Parishad High School. It is stated that for the school, in the provision for the year 2006-2007 is sanctioned Rs.31,60,000/-. Therefore, the Zilla Parishad High School, Gajula Mandyam is concerned, Rs.16,20,000/- is sanctioned for construction of school building and the constructions have been started in S.No.748/1 and the construction is in progress. Further, it is stated that the land in S.No.748/1 and 2 is situated in the

residential area i.e. adjacent to the quarters of A.P.I.I.C., and the area called Desamma Nagar of Gajula Mandyam Gram Panchayat only.

5) From the averments of the counter affidavit, it is clear that there was no allotment of such an extent of land as pleaded, in S.No.750 at the first instance. Though there was a requisition for Ac.3.70 cents of land from Zilla Paraishad and as well as Revenue Authority, but however, the same was within the possession of A.P.I.I.C., and they did not accede to the request as the said piece of land was allotted to third parties. In that view of the matter, there was no allotment at all in S.No.750. Even with regard to S.No.748/1 and 2, it is stated that the same is situated in the residential area within the Gram Panchayat limits of Gajula Mandyam. In that view of the matter, it cannot be said that the said location is not suitable for construction of school building, in any event as it is stated, the constructions have already been started and the construction work is in progress, I do not find any merit to grant any relief at this stage. The writ petition is devoid of merit.

6) In the result, the Writ Petition is dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

April 16, 2007

BCS